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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,717	04/10/2000	Scott Olive		5432

23446 7590 09/15/2005
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 09/462,717	Applicant(s) OLIVE, SCOTT	
	Examiner Kim Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 0605.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 106-122 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 106-122 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 7/6/05. According to the amendment, claims 106-122 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 106-122 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Luciano, Jr. et al (US patent No. 6,050,895) in view of Torango (US patent No. 6,592,460).

As per claim 106, Luciano discloses a network of gaming machines, each gaming machine include a user interface and accepts different wager amounts (col. 8, lines 48-63). The method for awarding prizes upon an occurrence a trigger condition comprising making a wager and initiating a first main game (col. 4, lines 48-65); determining the trigger condition occurring upon an event having a probability of occurrence (col. 9, lines 1-3; col. 5, lines 63-66; and col. 9, lines 27-32); triggering a second game in response to the trigger condition (col. 9, lines 41-45 and col. 6, lines 24-27); displaying the second game at the

particular gaming machine (col. 10, lines 25-29); activating the user interface during playing the second game; identifying a winning progressive prize; and awarding the winning progressive prize to the player (col. 6, lines 56-63).

Luciano does not explicitly disclose determining probability of trigger condition based on the amount of wager. However, since Luciano discloses that the number of potential trigger events increased by increasing the amount of wager (col. 9, lines 30-32), Luciano obviously encompasses teaching determining probability of trigger condition based on the amount of wager. Further, Torango discloses determining probability (the odds) of triggering a bonus event based on the amount of wager (col. 24, lines 8-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine probability for triggering a second bonus game based on the amount of wager of Luciano as taught by Torango in order to increase winning probability for the player who places large amount of wagers.

As per claim 107, Torango discloses selecting a random number from a predetermined range of numbers (col. 16, lines 41-53 and 50-55; col. 24, lines 13-14); creating a set of numbers based on the amount of wager (col. 16, lines 11-33); and indicating the occurrence of the trigger condition if the allotted number matches the selected random number (col. 24, lines 15-19).

As per claim 108, Luciano discloses credit wagers (col. 3, lines 21-23).

As per claim 109-110, allotting one number for each bet credit of currency would have been obvious design choice.

As per claim 111-112, since Tarango discloses generating a random number from a predetermined fixed range of numbers (col. 16, lines 41-53, 50-55; and col. 24, lines 13-14), and since including a random number generator for generating random numbers would have been old and well known in the art, Tarango obviously encompasses teaching including a random number generator in the game machine.

As per claim 113-116, the limitations stated in claims 113-121 would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 117-122, awarding more than one game as the bonus game, using currency denomination in cents, providing unequal progressive prize values, providing prizes as a fraction of a pool, providing a second game with higher probability of success than the main game, and alerting occurring of the second game prior displaying the second game would have been both well known and obvious design choice.

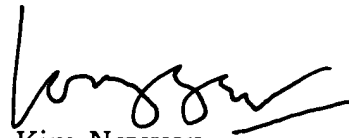
Response to Arguments

In response to applicant's argument in page 7, last paragraph, through page 8, the Acres patent is withdrawn from applying as a prior art to the present application.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Date: September 12, 2005


Kim Nguyen
Primary Examiner
Art Unit 3713